

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

LAKENYA HOPKINS,

Defendant.

No. 22-CR-465

ORDER

RONNIE ABRAMS, United States District Judge:

The Court is in receipt of a Notice of Motion filed by Ms. Hopkins *pro se* on August 19, 2024, and has instructed the Pro Se Office to enter the Notice on the docket. The Court construes Ms. Hopkins' filing as a motion to stay her sentence while her appeal is pending before the Second Circuit. *See* Fed. R. Crim. P. 38(b); 18 U.S.C. § 3143(b)(1).

While the Court understands that, earlier today, the Second Circuit granted Harvey Fishbein, Esq.'s motion to withdraw as Ms. Hopkins' counsel, and appointed James Branden, Esq. to represent her, *see United States v. Hopkins*, No. 24-4085, ECF Nos. 12, 15. Mr. Fishbein remains counsel of record before this Court. A party may not be represented both by herself and by an attorney. *United States v. Rivernider*, 828 F.3d 91, 108 (2d Cir. 2016) ("A defendant has a right either to counsel or to proceed *pro se*, but has no right to 'hybrid' representation, in which he is represented by counsel from time to time, but may slip into *pro se* mode for selected presentations.") (internal citation omitted).


Accordingly, no later than August 26, 2024, Mr. Fishbein is to confer with Ms. Hopkins and advise the Court as to whether he will continue to represent her before this Court, including for the purpose of this motion; whether she plans to proceed in this action *pro se*; or whether she

will move for substitution of counsel. Mr. Fishbein is also instructed to provide a copy of this Order to Mr. Branden.

The Clerk of Court is respectfully directed to mail a copy of this Order to Ms. Hopkins at the address she listed in her Notice of Motion. *See* ECF No. 57.

SO ORDERED.

Dated: August 21, 2024
New York, New York



Ronnie Abrams
United States District Judge